

REMARKS

The Examiner indicated in paragraph 3 of the official action that the abstract should be limited with the range of 50 to 150 words and it is not understood why this was included in the Action as the abstract is within that range. The Examiner requested that commas be placed in line two of the abstract and such have been place.

The Examiner rejected claims 9 to 15 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. Claim 9 has been amended to obviate this rejection and clarify the phraseology.

The Examiner rejected claims 9 to 11 and 15 under 35 U.S.C. § 102(e) as being anticipated by Gerwe (5,860,270). This rejection is respectfully traversed. The Examiner considered that Gerwe discloses finger-like gripper mechanisms (15, 15) arranged in a substantially comb-like manner. The members 15 in the Gerwe reference are not gripper elements but are pusher bars and only one pusher bar contacts a package and pushes it along in the direction indicated by the arrow. Thus, the Gerwe reference fails to teach or suggest picking up and raising the packages by gripper mechanisms which in a comb-like fashion straddle the package and remove it from the conveying apparatus. Accordingly, the rejection of claims 9 to 11 and 15 with respect to Gerwe cannot be maintained.

The Examiner also rejected claims 9 to 11 and 15 under 35 U.S.C. § 102(e) as being anticipated by Odenthal (5,768,856). This rejection is also respectfully traversed. The Examiner considered that, as shown in Fig. 3, Odenthal has gripper mechanisms having finger-like gripper (9, 19, 19) arranged in a substantially comb-like manner. It is respectfully pointed out that the element 9 is the conveyor belt and what the Examiner has said of the gripper members 19, 19 are in essence flat-faced members which are moved toward each other and contact and move the packages by gripping them on their lateral faces rather than by a comb-like gripper mechanism as required by claim 9 which goes between each of the packages. The gripper mechanisms of Odenthal never go in between any of the packages. Accordingly, it is believed that the rejection under 35 U.S.C. § 102(e) in view of Odenthal cannot be maintained.

The Examiner indicated that claims 12 to 14 would be allowable if rewritten to overcome the rejection under 35 U.S.C. § 112 to include all of the limitations of the base claims and

intervening claims. This indication is noted with appreciation, but it is believed that the present amendment overcomes the rejections of record.

Conclusion

Accordingly, in view of the above amendments and remarks, favorable reconsideration and allowance of the application is respectfully requested.

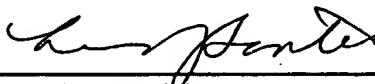
In the event that additional cooperation in this case may be helpful to complete its prosecution, the Examiner is cordially invited to contact Applicants' representative at the telephone number written below.

Applicant requests a three month extension of time in which to file this Amendment. Enclosed is our check in the amount of \$980.00 the requisite fee for the three-month extension of time. The Commissioner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account 50-0320.

Respectfully submitted,

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